

SENATE BILL 651

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SB 217/03 - FIN

2004 Regular Session
4r2306

By: **Senator Kittleman**

Introduced and read first time: February 6, 2004

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Certificated Employees - Collective Bargaining - Merit Pay**
3 **Increases**

4 FOR the purpose of authorizing a county board to allocate certain funding for merit
5 pay increases for teachers; excluding merit pay increases from the matters that
6 may be subject to collective bargaining between certain public school employers
7 and certain employee organizations that represent certain public school
8 employees; prohibiting public school employers from negotiating merit pay
9 increases; defining a certain term; and generally relating to collective
10 bargaining for public school employees.

11 BY adding to
12 Article - Education
13 Section 6-307
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2003 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Education
18 Section 6-402 and 6-408(b)
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2003 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Education**

24 6-307.

25 (A) IN THIS SECTION, "MERIT" MEANS A PAY INCREASE TO A TEACHER BASED
26 ON OUTSTANDING PERFORMANCE OF THE TEACHER, AWARDED AT THE DISCRETION
27 OF THE COUNTY BOARD.

1 (B) FOR FISCAL YEAR 2005 AND EACH SUBSEQUENT FISCAL YEAR
2 THEREAFTER, A COUNTY BOARD MAY ALLOCATE 5% OF THE FUNDS BUDGETED FOR
3 TEACHER SALARY INCREASES TO PAY MERIT PAY INCREASES FOR TEACHERS.

4 (C) A MERIT PAY INCREASE IS NOT NEGOTIABLE UNDER § 6-408 OF THIS
5 TITLE.

6 6-402.

7 (a) Public school employees may form, join, and participate in the activities of
8 employee organizations of their own choice for the purpose of being represented on all
9 matters that relate to salaries, wages, hours, and other working conditions, EXCEPT
10 MERIT PAY INCREASES.

11 (b) An employee organization may establish reasonable:

12 (1) Restrictions as to who may join; and

13 (2) Provisions for the dismissal of individuals from membership.

14 6-408.

15 (b) (1) On request a public school employer or at least two of its designated
16 representatives shall meet and negotiate with at least two representatives of the
17 employee organization that is designated as the exclusive negotiating agent for the
18 public school employees in a unit of the county on all matters that relate to salaries,
19 wages, hours, and other working conditions, EXCEPT MERIT PAY INCREASES.

20 (2) Except as provided in paragraph (3) of this subsection, a public school
21 employer or at least two of its designated representatives may negotiate with at least
22 two representatives of the employee organization that is designated as the exclusive
23 negotiating agent for the public school employees in a unit of the county on other
24 matters that are mutually agreed to by the employer and the employee organization.

25 (3) A public school employer may not negotiate the school calendar, the
26 maximum number of students assigned to a class, MERIT PAY INCREASES, or any
27 matter that is precluded by applicable statutory law.

28 (4) A matter that is not subject to negotiation under paragraph (2) of this
29 subsection because it has not been mutually agreed to by the employer and the
30 employee organization may not be raised in any action taken to resolve an impasse
31 under subsection (d) of this section.

32 (5) In Montgomery County, the exclusive negotiating agent for the public
33 school employees in a unit and the public school employer shall meet and negotiate
34 under this section the salaries, wages, hours, and other working conditions, EXCEPT
35 MERIT PAY INCREASES, of all persons actually employed as substitute teachers or
36 home and hospital teachers.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 2004.